

Curtis Sobel (CS-0964)
Sobel & Kelly, P.C.
Attorneys for Defendants
464 New York Avenue, Suite 100
Huntington, New York 11743
(631) 549-4677

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
WAYNE BAKER,

Plaintiff(s),

- against -

CITY OF NEW ROCHELLE; STATE OF NEW YORK;
POLICE OFFICER MORETTI, INDIVIDUALLY; CAPTAIN
"JOHN DOE" Individually of New Rochelle City Police;
SAFEWAY TOWING and COLLISION, CITY OF NEW
ROCHELLE, TOWING COMPANY,

Defendant(s).
-----X

Civil Action No.

08-CV-0561(SCR)(GAY)

**VERIFIED ANSWER
TO CROSS-CLAIMS
ASSERTED BY
DEFENDANTS, CITY
OF NEW ROCHELLE
AND DINA MORETTI**

The defendant(s), D&G AUTO REPAIR INC. d/b/a SAFEWAY COLLISION s/h/a SAFEWAY TOWING and COLLISION, and ELITE TOWING, INC. d/b/a SAFEWAY TOWING s/h/a CITY NEW ROCHELLE, TOWING COMPANY, by their attorneys, SOBEL & KELLY, P.C., answering the Cross Claims of the defendants, CITY OF NEW ROCHELLE and DINA MORETTI (S/H/A Police Officer Moretti) allege upon information and belief:

FIRST: Defendant(s) D&G AUTO REPAIR INC. d/b/a SAFEWAY COLLISION s/h/a SAFEWAY TOWING and COLLISION, and ELITE TOWING, INC. d/b/a SAFEWAY TOWING s/h/a CITY NEW ROCHELLE, TOWING COMPANY, deny upon information and belief, each and every allegation contained within paragraphs designated "22" through

"28", all inclusive, in the Cross-Claim asserted in the Answer to the Complaint submitted on behalf of co-defendant, CITY OF NEW ROCHELLE and DINA MORETTI (s/h/a Police Officer Moretti), constituting said defendants' Cross Claims against defendant(s) D&G AUTO REPAIR INC. d/b/a SAFEWAY COLLISION s/h/a SAFEWAY TOWING and COLLISION, and ELITE TOWING, INC. d/b/a SAFEWAY TOWING s/h/a CITY NEW ROCHELLE, TOWING COMPANY.

WHEREFORE, defendant(s), D&G AUTO REPAIR INC. d/b/a SAFEWAY COLLISION s/h/a SAFEWAY TOWING and COLLISION, and ELITE TOWING, INC. d/b/a SAFEWAY TOWING s/h/a CITY NEW ROCHELLE, TOWING COMPANY, demand judgment dismissing the cross-claim in its entirety and further demands judgment over and against the defendants, CITY OF NEW ROCHELLE and DINA MORETTI (s/h/a Police Officer Moretti), for the amount of any judgment which may be obtained herein by the plaintiff against the answering defendant or in such amount as the Court or Jury may direct, together with the costs and disbursements of the action.

Dated: Huntington, New York
 August 28, 2008

Yours, etc.,



CURTIS SOBEL (CS-0964)
SOBEL & KELLY, P.C.
Attorneys for Defendant
D&G AUTO REPAIR INC. d/b/a SAFEWAY
COLLISION s/h/a SAFEWAY TOWING and
COLLISION, and ELITE TOWING, INC. d/b/a
SAFEWAY TOWING s/h/a CITY NEW
ROCHELLE, TOWING COMPANY
464 New York Avenue, Suite 100
Huntington, New York 11743
631/549-4677

TO: WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKLER, LLP
Attorneys for Defendants
CITY OF NEW ROCHELLE and
POLICE OFFICER DINA MORETTI
3 Gannett Drive
White Plains, New York 10604-3407
(914) 323-7000

WAYNE BAKER
Plaintiff, Pro Se
133 North 6th Avenue, 2nd Floor
Mount Vernon, New York 10550

STATE OF NEW YORK)

ss:

COUNTY OF SUFFOLK)

I, CURTIS SOBEL, an attorney admitted to practice in the Courts of New York State, state that I am the attorney for the defendant in the within action; I have read the foregoing ANSWER TO CROSS CLAIMS and know the contents thereof; the same is true to my own knowledge, except as to the matters therein alleged to be on information and belief, and as to those matters I believe it to be true. The reason this verification is made by me and not by defendant, is that the defendant's principal place of business is in a County other than the County wherein I maintain my office.

The grounds of my belief as to all matters not stated upon my own knowledge are as follows: Contents of file which constitutes attorney's work product.

I affirm that the foregoing statements are true, under penalties of perjury.

Dated: Huntington, New York
 August 28, 2008

A handwritten signature in black ink, appearing to read 'CS', is written over a horizontal line.

CURTIS SOBEL(0964)

DECLARATION OF SERVICE BY MAIL

08-CV-561(SCR)(GAY)

STATE OF NEW YORK)

ss:

COUNTY OF SUFFOLK)

LUCY ANN DeSIMONE, hereby declares, pursuant to 28 U.S.C., Section 1746 and Local Civil Rule 1.10 of this Court, that I am not a party to the action; I am over 18 years of age and reside at Middle Island, New York 11953

On 09/02/2008, I served the within Verified Answer, by depositing a true copy of the same enclosed in a post-paid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

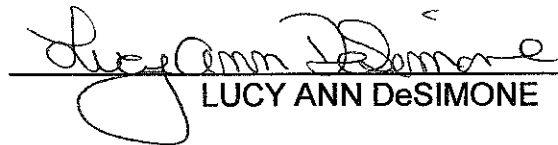
TO:

WAYNE BAKER
133 North 6th Avenue, 2nd Floor
Mount Vernon, New York 10550

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKLER, LLP
3 Gannett Drive
White Plains, New York 10604-3407

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 09/04/2008



LUCY ANN DeSIMONE

SOBEL & KELLY, P.C.

CIVIL ACTION No.: 08-CV-0561(SCR)(GAY)
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SOUTHERN DISTRICT OF NEW YORK

WAYNE BAKER,

Plaintiff(s),

-against-

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**VERIFIED ANSWER TO CROSS-CLAIMS
ASSERTED BY DEFENDANTS, CITY OF
NEW ROCHELLE and DINA MORETTI
(s/h/a Police Officer Moretti)**

Signature (Rule 130-1.1-a)

CURTIS SOBEL (0964)

SOBEL & KELLY, P.C.
Attorneys for Defendants
D&G AUTO REPAIR INC. d/b/a SAFEWAY COLLISION s/h/a SAFEWAY
TOWING and COLLISION, and ELITE TOWING, INC. d/b/a SAFEWAY
TOWING s/h/a CITY NEW ROCHELLE, TOWING COMPANY
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